

REMARKS

The following remarks are responsive to the points raised by the Office Action dated December 17, 2003. In view of the following remarks, reconsideration is respectfully requested.

Claims 1-4, 6, 7, 9-14, 16, 17, and 19-24 are currently pending. Applicants are pleased to note that claims 6, 7, 9, 16, 17, 19, and 21-24 are indicated to be allowed.

Claims 1-4 and 11-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,950,836 to Iwamoto et al. (hereinafter referred to as "Iwamoto"). Claims 10 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Iwamoto in view of U.S. Patent No. 4,478,331 to Ruin. Each of these rejections is respectfully traversed.

None of the cited references discloses or suggests the presently claimed invention. As the Office Action correctly admits, Iwamoto, the primary reference, does not disclose coupling units threadably engaging the PDP module to the support member. The Office Action asserts that, based on the holes in the protecting case 52 shown in Figure 2 of Iwamoto and the fact that the panels of Iwamoto are stored vertically, some means for fastening the panel to the support must have been provided. Otherwise, the panel would fall from the support during transport. Therefore, according to the Office Action it would have been obvious to fasten the panels to the support with fasteners as in the present invention. Applicants respectfully disagree.

The rejection does not give proper weight to the subject matter claimed. Claim 1 is directed to a packing unit and a coupling unit *including a fastener*. The claim is not directed solely to a support member having holes; the claimed packing apparatus includes the fastener. The rejection speculates on the function of some unexplained holes depicted in Iwamoto and then builds a hypothesis on that speculation that allegedly meets the claim language. This process is not objective factual examination, it is an inference upon an inference; if that reasoning were the standard of examination, the U.S. Patent and Trademark Office could close its doors. Nothing is either novel nor non-obvious under this test. The rejection must be withdrawn because it is not based on the objective test for obviousness that must be applied. *In re Fine*, 837 F.2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988).

Essentially, the rejection is a combination of references, Iwamoto is the principal reference, and speculation is the secondary reference. The metes and bounds of Iwamoto are apparent. Those of the secondary reference are limitless. The secondary "reference" is not the objective evidence required by *Fine*, is legally erroneous, and, therefore, must be withdrawn.

There is simply no basis for asserting that the holes in the protecting case 52 shown in Figure 2 of Iwamoto are for any purpose. Iwamoto does not mention or even number the holes. There is no reference to coupling units at all in Iwamoto. No fastener cooperating with the

unnumbered holes is even suggested by Iwamoto. The assertion in the Office Action that some means for fastening the panel must have been provided or the panel would fall from the support during transport is not only speculative, it is contrary to Iwamoto's own disclosure. Iwamoto does disclose means for preventing the panel from falling and those means are not fasteners. Fasteners as in claim 1 are not needed by Iwamoto. Therefore, it is erroneous to read additional, undisclosed elements into Iwamoto with knowledge of the invention in mind.

As shown in Figure 1 of Iwamoto, the container 2 includes supporting grooves 42 and holding grooves 46. The lid 60 (shown in Figure 5) also includes supporting grooves 64. According to Iwamoto,

“Each supporting groove 42 receives the lower end of protecting cases 52 for protecting [a] glass substrate . . . . Since the glass substrates 50 are easy to be destroyed, each glass substrate 50 is held by the protecting case 52 having a rectangular recessed portion 54 as shown in FIG. 2. In this state, each glass substrate 50 with the protecting case 52 is contained in the container shown in FIG. 1” (col. 4, lines 55-62).

The combination of the protecting case 52, containing the glass substrate 50 within the recessed portion 54, and the grooves 42, 46, 64, supporting the protecting case 52 on all four sides, provides ample means for preventing the panel from falling from the support during transport.

There is simply no reason, basis, or motivation, particularly in Iwamoto itself, to provide the coupling units of claim 1. The rejection does not even rely on any prior publication showing any kind of fastener. If a fastener were to be used in Iwamoto, why would a fastener providing a threaded engagement be used? Fasteners are available with a multiplicity of engaging means. The only answer that could supply a basis for the rejection is the improper application of hindsight, i.e., knowledge of the claimed invention, in applying Iwamoto. The rejection is legally and factually erroneous and must be withdrawn. Claims 1-4 and 11-14, and claims 10 and 20, which depend from claims 1 and 11, respectively, should be allowed over Iwamoto.

For the reasons set forth above, reconsideration of the rejections is respectfully requested.

In re Appln. of KIM et al.  
Application No. 10/054,920

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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